

**THE UNITED STATES DISTRICT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

VS.

4:08CR00125 GTE

WALLACE GRAHAM

ORDER

On November 23, 2008, the Court granted Defendant's Motion to Determine Competency to Stand Trial (18 U.S.C. § 4241) / Motion for Determination of Existence of Insanity at the Time of Offense (18 U.S.C. § 4242)].

The United States Marshal for the Eastern District of Arkansas has advised the Court that Defendant has been designated to FCI Fort Worth Detention Center, Fort Worth, Texas for the examination. Accordingly, the United States Marshal is directed to transport Defendant to FCI Fort Worth forthwith.¹

Under 18 U.S.C. § 4247(b) and (c), Defendant is committed to the custody of the Attorney General, or his authorized representative, for a period not to exceed thirty (30) days for a psychiatric or psychological examination under 18 U.S.C. § 4241 and for a period not to exceed forty-five (45) days for psychiatric or psychological examination under 18 U.S.C. § 4242. Both time periods exclude any time consumed by transportation.

Based on 18 U.S.C. § 4247(c), the facility conducting the examination will file a report with this Court with copies to Defendant's counsel and the Prosecution.

¹Based on 18 U.S.C. § 3161(h)(1)(H), time consumed by transportation in excess of ten (10) days from today is presumed unreasonable under the Speedy Trial Act.

Eleven (11) days from the date the examination report is received by the Court and the parties, any party who requests a hearing regarding any issues in the report or opposes the report must file a motion for hearing or a motion in opposition, including a concise statement of opposition to the report and supporting authorities.

If no motions are filed within eleven (11) days, the Court will enter an Order adopting or rejecting the conclusions set forth in the report, and the period of excludable delay will end.²

IT IS SO ORDERED this 10th day of December, 2008.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT JUDGE

²18 U.S.C. § 3161(h)(1)(A).